

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CHECKPOINT SYSTEMS, Inc., : Case No. 5:10-CV-128  
Plaintiff, :  
 : JUDGE KATHLEEN O'MALLEY  
v. :  
CASTLETON ENTERPRISES, Inc., *et* : MEMORANDUM & ORDER  
*al.*, :  
Defendants. :

This matter arises on the Court's own initiative. For the reasons explained below, the Court exercises its discretion to grant Defendant Anthony C. Radford a second opportunity to **SHOW CAUSE** why a judgment of default should not be entered against him.

The procedural history of this case is detailed in the Court's July 12, 2010 Order. (Doc. 16.) For present purposes, what is relevant is that Defendant Anthony C. Radford was ordered to appear *in person* on July 22, 2010 and show cause why a judgment of default should not be entered against him for his failure to appear at a prior Case Management Conference and failure to file an Answer. (*See id.*) Radford did not appear, nor did Radford file any documentation with the Court to explain his non-appearance.<sup>1</sup>

Radford did, however, send a substantive Answer to the Court on July 21, 2010.<sup>2</sup> Although it surely would be appropriate to enter judgment against Radford, out of an abundance of caution, the

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<sup>1</sup> The Court attempted to call Radford to ask him why he failed to appear, but Radford did not answer his phone, nor did he have voice mail.

<sup>2</sup> This document was mailed directly to chambers. It has been entered on the docket on Radford's behalf – nevertheless, Radford is instructed to file properly any future pleadings or briefing. The Court observes, moreover, that Radford mailed three other, similar, documents to the Court along with this one. Those documents purport to be answers from "Anthony Radford" (as

Court will give Radford a final opportunity to **SHOW CAUSE** why judgment should not be entered against him.

A telephonic case management conference is hereby set for **August 18, 2010 at 12:00pm.**<sup>3</sup> Failure to appear will result in judgment against Radford, as will failure to show adequate cause for his initial failure to file an answer, to appear at the initial Case Management Conference, and to appear at the first scheduled Show Cause Hearing.

**IT IS SO ORDERED.**

**s/Kathleen M. O'Malley**  
**KATHLEEN McDONALD O'MALLEY**  
**UNITED STATES DISTRICT JUDGE**

**Dated: August 11, 2010**

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opposed to "Anthony C. Radford"), Castleton Enterprises, and Castleton Books. These have not been entered on the docket. First, there was no need to file separate answers for Anthony Radford and Anthony C. Radford, as they are apparently the same person. Second, when the corporate defendants failed to appear at a July 9, 2010 default judgment hearing, the Court granted the motion for default judgment against the corporate defendants and instructed the Plaintiff to submit a proposed order memorializing that ruling in writing. Third, the Court has already entered an order explaining to Radford that corporate defendants must appear through counsel. (*See* Doc. 7.)

<sup>3</sup> Call-in information will be provided by the Court.